

IN THE CLAIMS:

Claim 1 (Currently amended) An apparatus for automatically preparing a frozen confection, comprising:

a housing;

a receiving chamber pivotally attached to the housing, the receiving chamber being configured to mix and dispense the frozen confection;

an auger rotatably mounted in the housing to enter the receiving chamber and mix the confection with rotational motion, the auger being movable by vertical motion between a first elevated position and a second lowered position in the receiving chamber;

a safety shield movably mounted to said housing in a safeguard position adjacent to said auger to shield an operator from contacting the auger in said second lowered position during operation of the apparatus; and

an electronic control system for controlling the vertical and rotational motion of the auger.

Claim 2 (Original) The apparatus of claim 1, wherein the auger is adjustably mounted to the housing.

Claim 3 (Original) The apparatus of claim 1, wherein the electronic control system controls a drive motor that rotates the auger.

Claim 4 (Original) The apparatus of claim 1, wherein the electronic control system is programmed to operate the drive motor for a predetermined time and speed.

Claim 5 (Currently amended) The apparatus of claim 1, further comprising:
a safety control system which inhibits the auger control system if the safety shield is not in said safeguard position ~~safety interlock functions are not in a predetermined state.~~

Claim 6 (Currently amended) An apparatus for preparing a frozen dessert product, comprising:

a housing attached to a mountable base, the base being configured to support the housing;

a receiving chamber pivotally attached to the housing;

an auger rotatably adjustably mounted in the housing, the auger being movable by vertical motion between a first elevated position and a second lowered position in the receiving chamber ~~the auger being extensible down towards the receiving chamber~~ by means of a control motor;

a safety shield movably mounted to said housing in a safeguard position adjacent to said auger to shield an operator from contacting the auger in said second lowered position during operation of the apparatus;

an electronic control system for controllably mixing the frozen dessert product; and

a plurality of holes in the auger, the holes being configured to project fluid from within the auger outward into the mixing chamber to clean the auger and mixing chamber after use.

Claim 7 (Original) The apparatus of claim 6, wherein the electronic control system includes a control panel, a safety interlock system, a microprocessor and an auger control system.

Claim 8 (Original) The apparatus of claim 7, wherein the microprocessor processes function commands input into the control panel with the safety interlock system commands to initiate the auger control system.

Claim 9 (Currently amended) The apparatus of claim 7, wherein the safety interlock system inhibits the auger control system if the safety shield is not in said safeguard position ~~the auger rotation is inhibited if the safety system interlocks are not verified.~~

Claim 10 (Cancelled)

Claim 11 (Original) The apparatus of claim 6, wherein the electronic control system is programmed to mix the frozen dessert ingredients for a predetermined time.

Claim 12 (Original) The apparatus of claim 6, wherein the receiving chamber comprises an opening at the upper section of the chamber, the receiving chamber further includes an operable tip that opens to dispense the frozen dessert mixture.

Claim 13 (Currently amended) A frozen dessert dispensing machine, comprising:

- a housing attached to a mountable base, the base being configured to support the housing;

- a receiving chamber pivotally attached to the housing;

- an auger rotatably mounted in the housing, the auger being movable by vertical motion between a first elevated position and a second lowered position in the receiving chamber the auger being capable of extending down towards the receiving chamber and being retracted elevated above the receiving chamber;

- a safety shield movably mounted to said housing in a safeguard position adjacent to said auger to shield an operator from contacting the auger in said second lowered position during operation of the apparatus; and

- a control system for managing control of the frozen dessert machine operating cycle, wherein the control system includes a control panel, a safety interlock system, a microprocessor and an auger control system.

Claim 14 (Original) The frozen dessert machine of claim 13, wherein the microprocessor processes function commands input into the control panel with the safety interlock system commands to initiate the auger control system.

Claim 15 (Currently amended) The frozen dessert machine of claim 13, wherein ~~the auger rotation is inhibited if the safety system interlocks are not verified~~ the safety interlock system inhibits the auger control system if the safety shield is not in said safeguard position.

Claim 16 (Original) The frozen dessert machine of claim 13, wherein the control system controls a drive motor that rotates the auger.

Claim 17 (Original) The frozen dessert machine of claim 13, wherein the control system controls an AC stepper motor that vertically elevates and lowers the auger.

Claim 18 (Original) The frozen dessert machine of claim 13, wherein the control system is programmed to operate the drive motor for a predetermined time.

Claim 19 (Currently amended) A method for preparing a frozen dessert product, comprising:

providing a frozen dessert apparatus for automatically preparing a frozen confection, the frozen dessert apparatus including:

a housing;

a conical mixing receptacle pivotally attached to the housing, the conical mixing receptacle being configured to mix and dispense the frozen confection;

an auger rotatably mounted in the housing to enter the conical mixing receptacle and mix the confection with rotational motion, the auger being movable by vertical motion between a first elevated position and a second lowered position in the conical mixing receptacle;

a safety shield movably mounted to said housing in a safeguard position adjacent to said auger to shield an operator from contacting the auger in said second lowered position during operation of the apparatus; and

an electronic control system for controlling the vertical and rotational motion of the auger;

combining frozen dessert ingredients into [[a]] said conical mixing receptacle, the receptacle being attached to a frozen dessert apparatus;

inhibiting the rotational motion of the auger if the safety shield is not in said safeguard position, and allowing the rotational motion of the auger if the safety shield is in said safeguard position;

mixing the ingredients with injected air, the ingredients being mixed with [[an]] said auger for a predetermined time, the auger being rotatably mounted to the dessert machine, the vertical and rotational movement of said auger being controlled by a microprocessor; and

dispensing the frozen dessert from the conical mixing receptacle through a dispensing outlet into a container.

Claim 20 (Original) The method of claim 19, wherein the frozen dessert ingredient includes fresh fruit.

Claim 21 (Original) The method of claim 19, wherein the frozen dessert ingredient includes frozen fruit.

Claim 22 (Original) The method of claim 19, wherein the auger is configured to emit a cleaning fluid through and out of the auger.

Claim 23 (Original) The method of claim 19, wherein the mixing auger is inhibited by a safety interlock system.

Claim 24 (Currently amended) The method of claim 23 ~~claim 19~~, wherein the mixing auger is inhibited if the mixing receptacle is not in a secured position.

Claim 25 (Currently amended) The method of claim 23 ~~claim 19~~, wherein the mixing auger is inhibited if the mixing auger is not positioned in the receiving chamber.

Claim 26 (Currently amended) The method of claim 23 ~~claim 19~~, wherein the safety interlock system inhibits the rotational motion of the auger if the safety shield is not in said safeguard position ~~the mixing auger is inhibited if a safety shield is not installed on the frozen dessert apparatus.~~